

Am to 514

Report of Com-  
on Water & Water Rights

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Nov 22. 78

Read & ordered  
to be on table  
until the Report of  
the Minority is submitted

Thomson

asst Sec

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Nov 26/78

Printed & placed  
on gen'l file

12 Smith  
asst Sec

Finney  
Chairman

Mr President

The Committee on Water and Water Rights, to whom were referred propositions number 2, 30, 43, 93, 144, 172, 285, 337, 362, 363, 364, 412 and 428, have carefully considered said propositions and recommend that no further action be had thereon.

The committee recommend that ~~the~~ <sup>amendment No 514</sup> ~~the following~~ sections be made part of the Constitution. #

Section (1) All water appropriated, or that may hereafter be appropriated, for sale or rental, is hereby declared public, and subject to the control of the State.

Section (2) The unappropriated waters of the lakes and rivers of this State, are declared to be public property, and may be appropriated by individuals, ~~or~~ associations, or corporations, ~~but~~ subject to such conditions and restrictions, as the Legislature may impose.

Section

(3)

The Legislature shall ~~enact~~ ~~the~~ laws permitting the appropriators of water, and the owners or occupants of land, to construct levees, ditches, canals, flumes, and aqueducts, or run their water through natural channels, for agricultural, mining, manufacturing, milling, domestic, drainage, reclamation, or sanitary purposes across the land of others

# W J Timmin  
Ed Phule  
Thomas McEnnell,  
W. R. C. Pulliam  
Jno Walker  
G. W. Hunter  
J. H. Estey  
Rush McComas  
Josiah Boucher  
John McBay  
David Lewis  
J. A. Filcher  
J. H. Keys

Ministry  
report of Com.

on Water and  
Water rights  
ministry

Nov 26, 18

Read & ordered to  
be on Table & be  
printed with the  
Report of the Ministry  
Thornton  
and my

Submitted

Nov. 26/18

Minority report of Com.  
on Water and Water rights

To the Hon. President of the  
Convention,

Minority of your  
committee on Water and  
Water rights, beg leave to report  
the following sections to be  
inserted in the new Constitution  
recognizing that the right of water  
does not depend on the ownership  
of land and as a natural  
element for the use of man,  
I question the right of the Legis-  
lature or of Congress, if such has  
been the case to grant away that  
which belongs to the people

Sec. 1.

All Lakes except artificial  
reservoirs shall be declared public  
property. All running waters shall  
be declared public property, subject  
only to the control of the State

Sec. 2.

Three Water Commissioners  
shall be elected by the qualified  
votes of this State, at the gubernatorial  
elections, and whose salary shall

be fixed by law, and whose  
term of office, shall be four  
years. They shall be qualified  
electors of the State and shall  
not be interested in any  
water company as stockholder  
creditor, agent, attorney, or employee  
and the act of a majority of  
said commissioners shall be  
deemed the act of said com-  
missioners, said commissioners  
shall have the sole power and  
it shall be their duty to  
correct abuses by water companies  
Establish rates of charges for  
water and from what sources  
water shall be taken by  
such companies, report to  
the Legislature when in session  
their proceedings and such  
other facts as may be  
deemed important

Signed

H. H. Smith,

*Secretary's desk*

FILE

Amendment.

No. 514.

INTRODUCED BY THE COMMITTEE ON WATER AND WATER RIGHTS.

NOVEMBER 22<sup>d</sup>, 1878.

READ, AND ORDERED TO LIE ON TABLE UNTIL THE REPORT OF THE MINORITY IS SUBMITTED.

WATER, AND WATER RIGHTS.

*Substituted by Hall's Amendment*

SECTION 1. All water appropriated, or that may hereafter be appro-

2 priated, for sale or rental, is hereby declared public and subject to the control  
3 of the State.

SEC. 2. The unappropriated waters of the lakes and rivers of this

2 State are declared to be public property, and may be appropriated by indi-  
3 viduals, associations, or corporations, subject to such conditions and restric-  
4 tions as the Legislature may impose.

SEC. 3. The Legislature shall enact laws permitting the appropriators

2 of water and the owners or occupants of land to construct levees, ditches,  
3 canals, flumes, and aqueducts, or run their water through natural channels,  
4 for agricultural, mining, manufacturing, milling, domestic, drainage, reclama-  
5 tion, or sanitary purposes, across the land of others.

*Motion of  
Farrington  
to strike out*

*Motion of  
Casper  
to strike out*

J

Substitute for Section 1

The use of all water now appropriated or that may hereafter be appropriated for sale ~~or~~ rental or distribution is hereby declared to be a public use and subject to the regulation and control of the state in <sup>the</sup> manner to be prescribed by law.

*John*

add list

Hale

Time of apples cleared	Mileage of Ferry Route to Cavendish
10:00	10
10:15	15
10:30	20
10:45	25
11:00	30
11:15	35
11:30	40
11:45	45
12:00	50
12:15	55
12:30	60
12:45	65
1:00	70
1:15	75
1:30	80
1:45	85
2:00	90
2:15	95
2:30	100
2:45	105
3:00	110
3:15	115
3:30	120
3:45	125
4:00	130
4:15	135
4:30	140
4:45	145
5:00	150
5:15	155
5:30	160
5:45	165
6:00	170
6:15	175
6:30	180
6:45	185
7:00	190
7:15	195
7:30	200
7:45	205
8:00	210
8:15	215
8:30	220
8:45	225
9:00	230
9:15	235
9:30	240
9:45	245
10:00	250
10:15	255
10:30	260
10:45	265
11:00	270
11:15	275
11:30	280
11:45	285
12:00	290
12:15	295
12:30	300
12:45	305
1:00	310
1:15	315
1:30	320
1:45	325
2:00	330
2:15	335
2:30	340
2:45	345
3:00	350
3:15	355
3:30	360
3:45	365
4:00	370
4:15	375
4:30	380
4:45	385
5:00	390
5:15	395
5:30	400
5:45	405
6:00	410
6:15	415
6:30	420
6:45	425
7:00	430
7:15	435
7:30	440
7:45	445
8:00	450
8:15	455
8:30	460
8:45	465
9:00	470
9:15	475
9:30	480
9:45	485
10:00	490
10:15	495
10:30	500
10:45	505
11:00	510
11:15	515
11:30	520
11:45	525
12:00	530
12:15	535
12:30	540
12:45	545
1:00	550
1:15	555
1:30	560
1:45	565
2:00	570
2:15	575
2:30	580
2:45	585
3:00	590
3:15	595
3:30	600
3:45	605
4:00	610
4:15	615
4:30	620
4:45	625
5:00	630
5:15	635
5:30	640
5:45	645
6:00	650
6:15	655
6:30	660
6:45	665
7:00	670
7:15	675
7:30	680
7:45	685
8:00	690
8:15	695
8:30	700
8:45	705
9:00	710
9:15	715
9:30	720
9:45	725
10:00	730
10:15	735
10:30	740
10:45	745
11:00	750
11:15	755
11:30	760
11:45	765
12:00	770
12:15	775

Amend <sup>by striking out</sup> the following  
section

Section 10. The right to collect rates or compensation for the use of water supplied to any county, city and county, city or town, or the inhabitants thereof, is a franchise, and cannot be exercised except by authority of and in the manner prescribed by law.

adapted

Harvard



Action of Committee

Amendment No 514

Dec. 22, 1878

Water Rights (original)

Original  
Dec 23 1878

Amendment.

No. 514.

INTRODUCED BY THE COMMITTEE ON WATER AND WATER RIGHTS.

NOVEMBER 22D, 1878.

AS AMENDED BY COMMITTEE OF THE WHOLE.

WATER AND WATER RIGHTS.

SECTION 1. All water appropriated, or that may hereafter be appropriated, for sale or rental, is hereby declared public and subject to the control of the State.

The following is section one, as amended on motion of Mr. Hall, and adopted:

[SEC. 1. The use of all water now appropriated, or that may hereafter be appropriated, for sale, rental, or distribution, is hereby declared to be a public use, and subject to the regulation and control of the State, in the manner to be prescribed by law.] *add Benton*

*Adopted*  
~~SEC. 2. The unappropriated waters of the lakes and rivers of this State are declared to be public property, and may be appropriated by individuals, associations, or corporations, subject to such conditions and restrictions as the Legislature may impose.~~

*Concurred*  
The above section (two), on motion of Mr. Van Dyke, was stricken out.

Amend the amendment - to see  
1 by striking out the word "County"  
where it first occurs in line 3,  
and the words "County" where ~~the~~ first  
occurs in line 5; and the "County"  
where it first occurs in line 15  
and the words "County or city"  
where they first occur in line  
17

Barbour

B

Conc.

Amendment to Sec 1 as amended in  
Committee of the whole by adding  
At the end thereof the following:

Provided that

~~Section~~ The rates or compensation to be collected by any person,  
2 company or corporation in this State, for the use of water supplied to any  
3 ~~county~~, city and county, or city or town, or the inhabitants thereof, shall be  
4 fixed annually by the Board of Supervisors, or city and county, or City or  
5 Town Council, or other governing body of such ~~county~~ or city and county, or  
6 city or town, by ordinance or otherwise, in the manner that other ordinances  
7 or legislative acts or resolutions are passed by such body, and shall continue  
8 in force for one year and no longer. Such ordinances or resolutions shall be  
9 passed in the month of February of each year, and take effect on the first day  
10 of July thereafter. Any Board or body failing to pass the necessary ordi-  
11 nances or resolutions fixing water-rates, <sup>where</sup> ~~when~~ necessary, within such time,  
12 shall be subject to peremptory process, to compel action at the suit of any  
13 party interested, and shall be liable to such further processes and penalties as  
14 the Legislature may prescribe. Any person, company or corporation, collect-  
15 ing water-rates in any ~~county~~, city and county, or city or town in this State,  
16 otherwise than as so established, shall forfeit the franchises and water-works  
17 of such person, company or corporation, to the ~~county or city~~, city and county,  
18 or city or town where the same are collected, for the public use.

Barbour

adoption

SEC. 3. The Legislature shall enact laws permitting the appropriators  
 2 of water and the owners or occupants of land to construct levees, ditches,  
 3 canals, flumes, and aqueducts, or run their water through natural channels,  
 4 for agricultural, mining, manufacturing, milling, domestic, drainage, reclama-  
 5 tion, or sanitary purposes, across the land of others.

The above section (three) was, on motion of Mr. Caples, stricken out.

The following section, on motion of Mr. Herrington, was added :

[SEC. —. The right to collect rates or compensation for the use of  
 2 water supplied to any county, city and county, or town, or the inhabitants  
 3 thereof, is a franchise, and cannot be exercised except by authority of and in  
 4 the manner prescribed by law.

*Water & Water Rights* *Amended in*  
*Convention*  
*Original Copy.*

# WATER AND WATER RIGHTS.

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As Amended in Convention, and Ordered Engrossed for a Second Reading, February 14th, 1879.

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## ARTICLE —.

### WATER AND WATER RIGHTS.

SECTION 1. The use of all water now appropriated, or that may hereafter be appropriated, for sale, rental, or distribution, is hereby declared to be a public use, and subject to the regulation and control of the State, in the manner to be prescribed by law; *provided*, that the rates or compensation to be collected by any person, company, or corporation in this State, for the use of water supplied to any city and county, or city or town, or the inhabitants thereof, shall be fixed, annually, by the Board of Supervisors, or city and county, or City or Town Council, or other governing body of such city and county, or city or town, by ordinance or otherwise, in the manner that other ordinances or legislative acts or resolutions are passed by such body, and shall continue in force for one year and no longer. Such ordinances or resolutions shall be passed in the month of February of each year, and take effect on the first day of July thereafter. Any Board or body failing to pass the necessary ordinances or resolutions fixing water-rates, where necessary, within such time, shall be subject to peremptory process, to compel action at the suit of any party interested, and shall be liable to such further processes and penalties as the Legislature may prescribe. Any

person, company, or corporation, collecting water-rates in any city and county, or city or town in this State, otherwise than as so established, shall forfeit the franchises and water-works of such person, company, or corporation, to the city and county, or city or town where the same are collected, for the public use.

SEC. 2. The right to collect rates or compensation for the use of water supplied to any county, city and county, or town, or the inhabitants thereof, is a franchise, and cannot be exercised except by authority of and in the manner prescribed by law.

Water & Water Rights

Feb'y 21/79

Reported, Correctly  
Engrossed,

Ed Smith  
Sec'y

Feb'y 26. 1879

Read a second time  
adopted and referred  
to Com on Revision and  
Adjustment

Thomson  
and Sec'y